

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ISABEL O. FITZPATRICK,

Petitioner,

v.

TINA HORNBBECK, Warden,

Respondent.

No. C 07-3660 RMW (PR)

ORDER OF DISMISSAL
WITHOUT PREJUDICE;
DENYING INCOMPLETE
MOTION TO PROCEED IN
FORMA PAUPERIS

(Docket No. 2)

Petitioner, a state prisoner proceeding pro se, filed the instant habeas corpus petition pursuant to 28 U.S.C. § 2254 on June 15, 2007. On that same day, the court sent a notification to petitioner informing her that her in forma pauperis application was incomplete because she failed to include a copy of a certificate of funds signed by an authorized prison officer and a trust account statement showing transactions for the prior six months. The court provided a copy of the correct in forma pauperis application, along with a return envelope, and a notification that the case would be dismissed if petitioner failed to pay the fee or file a completed application with supporting documentation within thirty days.

On August 14, 2007, the court's notice was returned by mail as undeliverable, stating that petitioner was no longer housed at the Valley State Prison for Women.

1 On August 14, 2007, petitioner filed a notice of change of address. On that same day, the
2 court sent a new notification to petitioner at her current address that her in forma pauperis
3 application was incomplete because she did not include a certificate of funds and a trust
4 account statement showing transactions for the prior six months. The court notified
5 petitioner that the case would be dismissed if petitioner failed to pay the fee or file a
6 completed application with supporting documentation within thirty days.

7 As of the date of this order, petitioner has not communicated with the court, nor
8 filed a completed in forma pauperis application or paid the filing fee. Accordingly, this
9 case is DISMISSED without prejudice for petitioner's failure to pay the filing fee, or file
10 a completed in forma pauperis application. Petitioner's incomplete in forma pauperis
11 motion (docket no. 2) is DENIED. The clerk shall terminate any pending motions and
12 close the file.

13 IT IS SO ORDERED.

14 DATED: 10/29/2007



RONALD M. WHYTE
United States District Judge

1 This is to certify that on 11/6/2007, a copy of this ruling
2 was mailed to the following:

3 Isabel O. Fitzpatrick
4 27097850 C.414
5 Eloy Detention Center
6 1705 East Hanna Road
7 Eloy, AZ 85231
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